

FEE TRANSMITTAL for FY 2004		Complete if Known																																																																																																																																																																			
Effective 10/01/2004. Patent fees are subject to annual review.		Application Number	09/759,627																																																																																																																																																																		
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.		Filing Date	January 12, 2001																																																																																																																																																																		
TOTAL AMOUNT OF PAYMENT (\$)		Examiner Name	Ryan J. Nobrega																																																																																																																																																																		
0.00		Art Unit	Fultz, Richard C.																																																																																																																																																																		
		Attorney Docket No.	3399P040																																																																																																																																																																		
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<input type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input checked="" type="checkbox"/> Charge any additional fees or underpayment of fees as required under 37 CFR §§ 1.10, 1.12, 1.13 and 1.20. <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account																																																																																																																																																																					
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late filing fee or oath	1252	50	2052	.25	Surcharge - late provisional filing fee or cover sheet.	2053	150	2053	.10	Non-English specification	1812	2,620	1812	2,320	For filing a request for ex parte reexamination	1804	820*	1804	820*	Requesting publication of SIR prior to Examiner action	1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	1251	110	2251	.50	Extension for reply within first month	1252	430	2252	215	Extension for reply within second month	1253	950	2253	400	Extension for reply within third month	1254	1,530	2254	765	Extension for reply within fourth month	1255	2,060	2255	1,040	Extension for reply within fifth month	1404	340	2401	170	Notice of Appeal	1402	340	2402	170	Filing a brief in support of an appeal	1403	300	2403	150	Request for oral hearing	1451	1,810	2451	1,510	Petition to institute a public use proceeding	1452	110	2452	.65	Petition to review - unallowable	1453	1,370	2453	685	Petition to review - unintentional	1501	1,270	2501	595	Utility issue fee (or reissue)	1502	490	2502	245	Design issue fee	1503	660	2503	330	Plant issue fee	1450	130	2460	130	Petitions to the Commissioner	1807	50	1807	.50	Processing fee under 37 CFR 1.17(q)	1806	180	1806	180	Submission of Information Disclosure Stmt	8031	40	8021	.40	Recording each patent assignment per property (times number of properties)	1509	780	1809	325	Filing 3 or more continuation after final rejection (37 CFR § 1.126(a))	1810	780	2810	395	For each additional invention to be examined (37 CFR § 1.126(b))	1801	790	2801	385	Request for Continued Examination (RCE)	1802	900	1802	900	Request for expedited examination of a design application	Other fees (specify)				*Reduced by Basic Filing Fee Paid						SUBTOTAL (3) (\$)	
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SUBMITTED BY		Complete if applicable		
Name (Print/Type)	Jordan M. Becker		Registration No. (Attorney/Agent)	39,602
Signature			Telephone	(408) 720-8300
			Date	11/10/04

Received on PTO/DSB/17 (10-03) as indicated by Blakely, Sokoloff, Taylor & Zafman (wt) 02/10/2004.
SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

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Attorney Docket No.: 3399P040

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application for:

Ryan J. Nobrega et al.

Serial No.: 09/759,627

Filing Date: January 12, 2001

For: METHOD AND APPARATUS FOR
PERFORMING A CREDIT BASED
TRANSACTION BETWEEN A USER
OF A WIRELESS
COMMUNICATIONS DEVICE AND A
PROVIDER OF A PRODUCT OR
SERVICEMail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Examiner: Fults, Richard C..

Group Art Unit: 3628

*Certificate of Transmission*I hereby certify that this correspondence is being facsimile
transmitted to the Patent and Trademark Office on:November 10, 2004

(Date of Transmission)

Julie Arango

(Printed name)



(Signature)

(Date)

AMENDMENT AND RESPONSE TO OFFICE ACTION

Dear Sir:

In response to the Office Action mailed on August 11, 2004, please enter the
following amendment and consider the remarks below:

present invention is mainly concerned with the scenario in which the consumer is physically present at the merchant's business location (though that does not have to be the case).

The present invention is advantageous in that it can be implemented using existing communications and computing hardware infrastructure and without the necessity to retrain merchants or consumers. This is in contrast with the system of O'Leary, which requires the adoption of significant additional infrastructure and retraining of merchants and consumers.

In summary, it is clear from a real comparison of Applicants' claims with the cited art that the cited art does not come close to suggesting what Applicants claim.

Conclusion

For the foregoing reasons, the present application is believed to be in condition for allowance, and such action is earnestly requested.

If there are any additional charges, please charge Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 11/11/04


Jordan M. Becker
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